

USSN 09/871,339; Attorney Docket No. AREX-P02-005

REMARKS

Claims 1-12, 15, and 16 are pending in the present application. Claims 1, 3, 4, 5, 10, 11 and 12 have been amended and claims 13 through 15 have been canceled. Additionally, Applicant respectfully requests entry of new claim 16.

Support for the amendments *supra* can be found throughout the specification and claims as filed, for example, the last paragraph of page 21 and pages 23 through 26. Support for the new claim 16 can be found throughout the specification, for example, the last paragraph of page 19, and throughout pages 20, 22, 23, 26, 27, 32, 33 and 34. Applicant asserts that the new claim is not patentably distinct because new claim 16 claims a product employed in the original use claims 1-15. Applicant asserts that no new matter has been added by amendment and reserves the right to pursue any canceled subject matter in a future application.

Issues raised in the Office Action are addressed in the order they were raised by the Examiner.

1. Applicant acknowledges the change of Examiner assigned to this application.
2. Applicant acknowledges the withdrawal of the restriction and election of species requirement of Paper No. 4.

35 U.S.C. § 121, Restriction Requirement

3. Claims 1-15 are subject to a species election under 37 C.F.R. § 1.146, as patentably distinct species of the claimed invention: the tumor associated antigens of CA 125, CA 19.9 and CA15.3.

Applicant provisionally elects the species of CA19.9 for prosecution on the merits. Claims 1-2, 4, and 6-12 read on the elected species. Furthermore, new generic claim 16 is readable upon the provisionally elected species of CA19.9.

Applicant respectfully requests examination of the foregoing species election, amended and newly presented claims, and if a generic claim is found allowable, consideration of the additional species of the allowed generic claim as provided by 37 C.F.R. § 1.146.

USSN 09/871,339; Attorney Docket No. AREX-P02-005

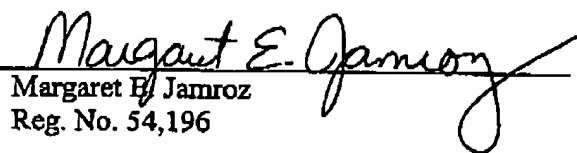
CONCLUSION

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicant hereby petitions for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

Respectfully Submitted,

Date: April 14, 2004

Customer No: 28120
Docketing Specialist
Ropes & Gray, LLP
One International Place
Boston, MA 02110
Phone: 617-951-7000
Fax: 617-951-7050


Margaret E. Jamroz
Reg. No. 54,196